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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION
11

12 **RAJAN GUPTA,**

13 Plaintiff,

14 v.

15 **ROB BONTA, in his official capacity as**
16 **Attorney General of the State of California,**

17 Defendant.
18
19

Case No. 3:21-cv-09045-EMC

**STIPULATION REGARDING FINAL
JUDGMENT ENTERING PERMANENT
INJUNCTION, AWARDING
ATTORNEY'S FEES, AND DISMISSING
ACTION**

Judge: The Honorable Edward M.
Chen

Action Filed: 11/23/2021

1 Plaintiff Rajan Gupta and Defendant Rob Bonta, Attorney General of the State of
2 California, sued in his official capacity, agree and stipulate as follows:

3 1. In November 2021, Plaintiff filed the complaint in this case against Defendant,
4 challenging SB 742. SB 742 makes it “unlawful to knowingly approach within 30 feet of any
5 person while a person is within 100 feet of the entrance or exit of a vaccination site and is seeking
6 to enter or exit a vaccination site, or any occupied motor vehicle seeking entry or exit to a
7 vaccination site, for the purpose of obstructing, injuring, harassing, intimidating, or interfering
8 with that person or vehicle occupant.” SB 742 defines “harassing” as “knowingly approaching,
9 without consent, within 30 feet of another person or occupied vehicle for the purpose of passing a
10 leaflet or handbill to, displaying a sign to, or engaging in oral protest, education, or counseling
11 with, that other person in a public way or on a sidewalk area.” Plaintiff contends that SB 742
12 violates his rights under the First and Fourteenth Amendments to the U.S. Constitution.

13 2. This case is one of three cases brought challenging SB 742 on the basis that it is a
14 violation of the First Amendment. In one of the other two cases, *Aubin v. Bonta*, No. 21-cv-
15 07938, the district court entered judgment on March 29, 2023. The *Aubin* court held that SB
16 742’s prohibition on approaching for the purpose of “harassing” as defined in the statute violates
17 the First Amendment. It further held that this prohibition was severable from SB 742’s
18 prohibition on approaching for the purposes of intimidating, injuring, interfering with, or
19 obstructing access. The *Aubin* court entered final judgment for plaintiffs and permanently
20 enjoined Defendant Attorney General Bonta from enforcing SB 742’s prohibition on approaching
21 for the purpose of “harassing” as defined in the statute. The time in which to appeal that
22 judgment has expired, and the Attorney General, the defendant in the *Aubin* matter, has not
23 appealed.

24 3. Although Defendant does not concede the unconstitutionality of SB 742, Defendant
25 and Plaintiff wish to resolve this matter now in light of the judgment and permanent injunction
26 entered by the *Aubin* court. The parties hereby consent to entry of a judgment in favor of
27 Plaintiff, and to the entry of a permanent injunction and order of dismissal in the form submitted
28 along with this stipulation.

CERTIFICATE OF SERVICE

Case Name: ***Rajan Gupta v. Rob Bonta***

Case No.: **3:21-cv-09045-EMC**

I hereby certify that on August 31, 2023, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

- **STIPULATION REGARDING FINAL JUDGMENT ENTERING PERMANENT INJUNCTION, AWARDING ATTORNEY'S FEES, AND DISMISSING ACTION**
- **[PROPOSED] ORDER REGARDING PERMANENT INJUNCTION**

I certify that **all** participants in the case are registered CM/ECF users and that service will be electronically accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct.

Executed on August 31, 2023, in San Francisco, California.



Vanessa Jordan, Declarant